



STATE OF ARIZONA

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March 3, 2006

The Honorable Jim Weiers
Speaker of the House
Arizona House of Representatives
1700 West Washington Street
Phoenix, Arizona 85007

Re: House Bill 2064: English language learners

Dear Speaker Weiers:

Yesterday, I received House Bill 2064, related to English Language Learner (ELL) programs. I have decided to allow the bill to become law without my signature. After nine months of meetings and three vetoes, it is time to take this matter to a federal judge. I am convinced that getting this bill into court now is the most expeditious way ultimately to bring the state into compliance with federal law.

To that end, I have asked the Attorney General to file a motion to expedite the Court's decision regarding the legal sufficiency of House Bill 2064. Further, the Attorney General will re-urge the Court to order that all fines received to date be distributed as soon as possible to our schools for ELL instruction. These fines total \$21 million, or approximately \$140.09 per ELL student based on the FY 2006 student count and should be distributed above and beyond the funding currently appropriated for ELL students. If added to this year's base funding of \$355.00 per student, for example, Arizona would spend \$495.09 per ELL student in FY 2006.

Even that amount, however, is inadequate, and I will therefore continue to support enhanced funding and accountability for ELL programs in the context of the FY 2007 budget.

Although I am allowing House Bill 2064 to become law without my signature, I do not believe this bill meets either the Court's multiple orders or our existing consent decree. It fails in a number of important ways, including, but not limited to:

- Arbitrary Funding Level: there is no reason to believe that the funding contained in House Bill 2064 bears any rational relationship to the actual cost of implementing a successful language acquisition program.
- Failure to Ensure Academic Accountability: the point of teaching children to speak, read and write in English is to allow them to succeed academically and to ultimately become contributing members of the workforce. This bill cuts off funding to students after two years, regardless of their academic progress and does not ensure ELL students would even be able to pass AIMS.
- Failure to Determine Program Effectiveness: rather than using respected experts to advise the state on best practices and the real costs of ELL instruction, House Bill 2064 instead creates a system by which political appointees with no required minimum qualifications make important educational policy decisions.
- Unwise Creation of a New Bureaucracy and Excess Paperwork: the bill adds an extra layer of government and does not focus on long-term student success.
- Violation of Federal Supplanting Laws: the bill requires ELL payments to school districts and charter schools to be reduced by the amount of federal monies they receive, in violation of federal law.

Arbitrary Funding Level

In its order of January 24, 2000, the Court ruled that the state's funding scheme was "arbitrary and capricious" because it bore no "rational relationship to the actual cost of implementing a language acquisition program." There is no reason to believe that the small and arbitrary increase in base funding proposed by House Bill 2064 corresponds to any practical examination of cost-benefit data, or that it bears any "rational relationship to the actual cost of implementing a language acquisition program."

The state has commissioned several studies and surveys regarding the actual costs of funding English language instruction. Despite some problems with those surveys, the conclusions reached in each of them are similar, and they each call for more funding than is provided in House Bill 2064. Indeed, the funding called for in House Bill 2064 is not rationally related to the actual average costs currently incurred by Arizona's schools in providing ELL instruction. Moreover, because the bill omits any future cost analysis and subjects future funding requests to approval by the Superintendent of Public Instruction, it does not ensure adequate long-term funding for English language instruction.

Failure to Ensure Academic Accountability

In 1998, Arizona voters passed Proposition 203 and mandated a program of learning called Sheltered English Immersion (SEI). That law recognized that language development and academic instruction must go hand in hand to enable students to achieve in school and contribute to the American economy. The state must not only comply with this voter-approved mandate, it must also be accountable for students' success; and in Arizona, that means they must be able to pass AIMS.

The Court has ordered that students be monitored for two years following their exit from an ELL program to review both their language *and* academic achievement. The Court has further required the state to intervene during this two-year period if an ELL student demonstrates a lack of adequate English language acquisition or academic achievement. House Bill 2064 fails to recognize and fund this type of monitoring and intervention. By mandating language intervention only and eliminating funding after two years regardless of English proficiency, this bill eliminates existing protections for students and parents and defies the Court's orders to ensure that ELL students achieve academically.

Failure to Determine Program Effectiveness

House Bill 2064's lack of measurement of the effectiveness of English language instruction is also disappointing. Although the Arizona Department of Education (ADE) should have collected, over the years, reams of information regarding successful ELL strategies at our more than 2,000 schools, it claims to not be able to produce this information without a new permanent task force that functions separate and apart from the State Board of Education. Many schools are highly successful in teaching and graduating ELL students; but we need to know how they obtain that level of success, and help other schools replicate those programs and practices. Unfortunately, House Bill 2064 does not identify or fund these strategies.

Instead, House Bill 2064 mandates that instructional "models" and funding decisions be developed in a process driven by political appointees; it ignores my request to ensure the task force is comprised of experts in education and finance. The state should contract with an independent third party to determine the best practice models and the costs to fund them, so that funding is not arbitrary and capricious and the models are successful and accountable.

Unwise Creation of a New Bureaucracy and Excess Paperwork

This bill also creates new bureaucracy and paperwork that appears unrelated to long-term student success. More than one-quarter of the new money appropriated in this bill is for the creation of a new bureaucracy within the Arizona Department of Education, rather than actual classroom education. Though ADE has made a case for additional staff to oversee ELL programs, it has not justified the level of bureaucracy called for in House Bill 2064 or explained how it might otherwise reallocate existing resources. Excessive administrative costs and poor oversight result in wasted state funds that would be better spent in our classrooms.

Arizona taxpayers have no guarantee that the state will be accountable for the few additional dollars this bill invests in ELL programs. Instead, they are guaranteed a new and bigger state bureaucracy.

Violation of Federal Supplanting Laws

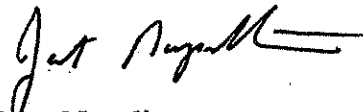
House Bill 2064 also violates federal law by seeking to use federal funds to supplant, rather than supplement, state funding obligations. States are expressly prohibited by federal law from using Title I, IIA or III monies to supplant state funding obligations. *See* 20 U.S.C. § 6314 (a) (2) (B) (schools receiving Title I funds shall use such funds "only to supplement the amount of funds that would, in the absence of funds under this part, be available from non-Federal sources for the school, including funds needed to provide services that are required by law for....children with limited English proficiency"); 20 U.S.C. § 6613 (f) ("Funds received under this subpart [of Title IIA] shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart"); 20 U.S.C.A. § 6825(g) (Title III funds "shall be used *so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for limited English proficient children and immigrant children and youth and in no case to supplant such Federal, State, and local public funds*") (emphasis added).

Section 4 of House Bill 2064, however, requires school districts and charter schools to reduce their funding requests for ELL programs by the amount of federal Title I, IIA and III funds they receive. As such, this provision violates the clear prohibition on supplanting state public funds, subjects the state to possible legal claims seeking repayment of the millions of federal dollars we receive, and should be struck down on the grounds that federal law preempts it.

Section 4 of the bill also requires a school district's ELL funding to be reduced by a portion of the Impact Aid monies it receives. This would harm a number of our school districts -- particularly those on Tribal reservations -- and would appear to also violate federal intent with respect to ELL funding.

Given the ongoing refusal of legislative leadership to address the foregoing concerns legislatively without judicial intervention, I will allow House Bill 2064 to become law so that any and all deficiencies in the bill can be promptly identified by the Court and rectified during this legislative session.

Yours very truly,



Janet Napolitano
Governor

cc: Hon. Ken Bennett
Hon. Chuck Gray

Conference Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 4

HOUSE BILL 2064

AN ACT

AMENDING SECTION 15-241, ARIZONA REVISED STATUTES; REPEALING SECTION 15-756, ARIZONA REVISED STATUTES; RENUMBERING SECTION 15-756.01, ARIZONA REVISED STATUTES, AS SECTION 15-757; AMENDING TITLE 15, CHAPTER 7, ARTICLE 3.1, ARIZONA REVISED STATUTES, BY ADDING NEW SECTIONS 15-756 AND 15-756.01 AND SECTIONS 15-756.02 THROUGH 15-756.13; AMENDING SECTIONS 15-910, 15-943 AND 41-1279.03, ARIZONA REVISED STATUTES; MAKING APPROPRIATIONS; RELATING TO ENGLISH LANGUAGE LEARNERS; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-241, Arizona Revised Statutes, is amended to
3 read:

4 15-241. School accountability; schools failing to meet academic
5 standards; failing schools tutoring fund

6 A. The department of education shall compile an annual achievement
7 profile for each public school.

8 B. Each school shall submit to the department any data that is
9 required and requested and that is necessary to compile the achievement
10 profile. A school that fails to submit the information that is necessary is
11 not eligible to receive monies from the classroom site fund established by
12 section 15-977.

13 C. The department shall establish a baseline achievement profile for
14 each school by October 15, 2001. The baseline achievement profile shall be
15 used to determine a standard measurement of acceptable academic progress for
16 each school and a school classification pursuant to subsection G of this
17 section. Any disclosure of educational records compiled by the department of
18 education pursuant to this section shall comply with the family educational
19 and privacy rights act of 1974 (20 United States Code section 1232g).

20 D. The achievement profile for schools that offer instruction in
21 kindergarten programs and grades one through eight, or any combination of
22 those programs or grades, shall include the following school academic
23 performance indicators:

24 1. The Arizona measure of academic progress. The department shall
25 compute the extent of academic progress made by the pupils in each school
26 during the course of each year.

27 2. The Arizona instrument to measure standards test. The department
28 shall compute the percentage of pupils who meet or exceed the standard on the
29 Arizona instrument to measure standards test, as prescribed by the state
30 board of education.

31 3. THE RESULTS OF ENGLISH LANGUAGE LEARNERS TESTS ADMINISTERED
32 PURSUANT TO SECTION 15-756, SUBSECTION B, SECTION 15-756.05 AND SECTION
33 15-756.06.

34 E. The achievement profile for schools that offer instruction in
35 grades nine through twelve, or any combination of those grades, shall include
36 the following school academic performance indicators:

37 1. The Arizona instrument to measure standards test. The department
38 shall compute the percentage of pupils pursuant to subsection F of this
39 section who meet or exceed the standard on the Arizona instrument to measure
40 standards test, as prescribed by the state board of education.

41 2. The annual dropout rate.

42 3. The annual graduation rate.

43 4. THE RESULTS OF ENGLISH LANGUAGE LEARNERS TESTS ADMINISTERED
44 PURSUANT TO SECTION 15-756, SUBSECTION B, SECTION 15-756.05 AND SECTION
45 15-756.06.

1 F. Subject to final adoption by the state board of education, the
2 department shall determine the criteria for each school classification using
3 a research based methodology. The methodology shall include the performance
4 of pupils at all achievement levels, account for pupil mobility, account for
5 the distribution of pupil achievement at each school and include longitudinal
6 indicators of academic performance. For the purposes of this subsection,
7 "research based methodology" means the systematic and objective application
8 of statistical and quantitative research principles to determine a standard
9 measurement of acceptable academic progress for each school.

10 G. The achievement profile shall be used to determine a school
11 classification that designates each school as one of the following:

- 12 1. An excelling school.
- 13 2. A highly performing school.
- 14 3. A performing school.
- 15 4. An underperforming school.
- 16 5. A school failing to meet academic standards.

17 H. The classification for each school and the criteria used to
18 determine classification pursuant to subsection F of this section shall be
19 included on the school report card prescribed in section 15-746.

20 I. Subject to final adoption by the state board of education, the
21 department of education shall develop a parallel achievement profile for
22 accommodation schools, alternative schools as defined by the state board of
23 education and schools with a student count of fewer than one hundred pupils.

24 J. If a school is designated as an underperforming school, within
25 ninety days after receiving notice of the designation, the governing board
26 shall develop an improvement plan for the school, submit a copy of the plan
27 to the superintendent of public instruction and supervise the implementation
28 of the plan. The plan shall include necessary components as identified by
29 the state board of education. Within thirty days after submitting the
30 improvement plan to the superintendent of public instruction, the governing
31 board shall hold a special public meeting in each school that has been
32 designated as an underperforming school and shall present the respective
33 improvement plans that have been developed for each school. The school
34 district governing board, within thirty days of receiving notice of the
35 designation, shall provide written notification of the classification to each
36 residence within the attendance area of the school. The notice shall explain
37 the improvement plan process and provide information regarding the public
38 meeting required by this subsection.

39 K. A school that has not submitted an improvement plan pursuant to
40 subsection J of this section is not eligible to receive monies from the
41 classroom site fund established by section 15-977 for every day that a plan
42 has not been received by the superintendent of public instruction within the
43 time specified in subsection J of this section plus an additional ninety
44 days. The state board of education shall require the superintendent of the

1 school district to testify before the board and explain the reasons that an
2 improvement plan for that school has not been submitted.

3 L. If a charter school is designated as an underperforming school,
4 within thirty days the school shall notify the parents of the students
5 attending the school of the classification. The notice shall explain the
6 improvement plan process and provide information regarding the public meeting
7 required by this subsection. Within ninety days of receiving the
8 classification, the charter holder shall present an improvement plan to the
9 charter sponsor at a public meeting and submit a copy of the plan to the
10 superintendent of public instruction. The improvement plan shall include
11 necessary components as identified by the state board of education. For
12 every day that an improvement plan is not received by the superintendent of
13 public instruction, the school is not eligible to receive monies from the
14 classroom site fund established by section 15-977 for ninety days plus every
15 day that a plan is not received. The charter holder shall appear before the
16 sponsoring board and explain why the improvement plan has not been submitted.

17 M. The department of education shall establish an appeals process, to
18 be approved by the state board of education, for a school to appeal data used
19 to determine the achievement profile of the school. The criteria established
20 shall be based on mitigating factors and may include a visit to the school
21 site by the department of education.

22 N. If a school remains classified as an underperforming school for a
23 third consecutive year, the department of education shall visit the school
24 site to confirm the classification data and to review the implementation of
25 the school's improvement plan. The school shall be classified as failing to
26 meet academic standards unless an alternate classification is made after an
27 appeal pursuant to subsection M of this section.

28 O. The school district governing board, within thirty days of
29 receiving notice of the school failing to meet academic standards
30 classification, shall provide written notification of the classification to
31 each residence in the attendance area of the school. The notice shall
32 explain the improvement plan process and provide information regarding the
33 public meeting required by subsection R of this section.

34 P. The superintendent of public instruction, based on need, shall
35 assign a solutions team to an underperforming school or a school failing to
36 meet academic standards comprised of master teachers, fiscal analysts and
37 curriculum assessment experts who are certified by the state board of
38 education as Arizona academic standards technicians. The department of
39 education may hire or contract with administrators, principals and teachers
40 who have demonstrated experience with the characteristics and situations in
41 an underperforming school or a school failing to meet academic standards and
42 may use these personnel as part of the solutions team. The team shall work
43 with staff at the school to assist in curricula alignment and shall instruct
44 teachers on how to increase pupil academic progress, considering the school's
45 achievement profile. The team shall select two master teachers to be

1 employed by the school. The solutions team shall consider the existing
2 improvement plan to assess the need for changes to curriculum, professional
3 development and resource allocation.

4 Q. The parent or the guardian of the pupil may apply to the department
5 of education, in a manner determined by the department of education, for a
6 certificate of supplemental instruction from the failing schools tutoring
7 fund established by this section. Pupils attending a school designated as an
8 underperforming school or a school failing to meet academic standards or a
9 pupil who has failed to pass one or more portions of the Arizona instrument
10 to measure standards test in order to graduate from high school may select an
11 alternative tutoring program in academic standards from a provider that is
12 certified by the state board of education. To qualify, the provider must
13 guarantee in writing a stated level of academic improvement for the pupil
14 that includes a timeline for improvement that is agreed to by the parent or
15 guardian of the pupil and the provider shall agree to refund to the state the
16 standards assistance grant monies if the guaranteed level of academic
17 improvement is not met. The state board of education shall determine the
18 application guidelines and the maximum value for each certificate of
19 supplemental instruction. The state board of education shall annually
20 complete a market survey in order to determine the maximum value for each
21 certificate of supplemental instruction. Nothing in this subsection shall be
22 construed to require the state to provide additional monies beyond the monies
23 provided pursuant to section 42-5029, subsection E, paragraph 7.

24 R. Within sixty days of receiving notification of designation as a
25 school failing to meet academic standards, the school district governing
26 board shall evaluate needed changes to the existing improvement plan for the
27 school, consider recommendations from the solutions team, submit a copy of
28 the plan to the superintendent of public instruction and supervise the
29 implementation of the plan. Within thirty days after submitting the
30 improvement plan to the superintendent of public instruction, the governing
31 board shall hold a public meeting in each school that has been designated as
32 a school failing to meet academic standards and shall present the respective
33 improvement plans that have been developed for each school.

34 S. A school that has not submitted an improvement plan pursuant to
35 subsection R of this section is not eligible to receive monies from the
36 classroom site fund established by section 15-977 for every day that a plan
37 has not been received by the superintendent of public instruction within the
38 time specified in subsection R of this section plus an additional ninety
39 days. The state board of education shall require the superintendent of the
40 school district to testify before the board and explain the reasons that an
41 improvement plan for that school has not been submitted.

42 T. If a charter school is designated as a school failing to meet
43 academic standards, the department of education shall immediately notify the
44 charter school's sponsor. The charter school's sponsor shall either take
45 action to restore the charter school to acceptable performance or revoke the

1 charter school's charter. Within thirty days the school shall notify the
2 parents of the students attending the school of the classification and of any
3 pending public meetings to review the issue.

4 U. A school that has been designated as a school failing to meet
5 academic standards shall be evaluated by the department of education to
6 determine if the school failed to properly implement its school improvement
7 plan, the alignment of the curriculum with academic standards, teacher
8 training, budget prioritization or other proven strategies to improve
9 academic performance. After visiting the school site pursuant to subsection
10 N of this section, the department of education shall submit to the state
11 board of education a recommendation to proceed pursuant to subsections P, Q
12 and R of this section or that the school be subject to a public hearing to
13 determine if the school failed to properly implement its improvement plan and
14 the reasons for the department's recommendation.

15 V. If the department does recommend a public hearing, the state board
16 of education shall meet and may provide by a majority vote at the public
17 hearing for the continued operation of the school as allowed by this
18 subsection. The state board of education shall determine whether
19 governmental, nonprofit and private organizations may submit applications to
20 the state board to fully or partially manage the school. The state board's
21 determination shall include:

22 1. If and to what extent the local governing board may participate in
23 the operation of the school including personnel matters.

24 2. If and to what extent the state board of education shall
25 participate in the operation of the school.

26 3. Resource allocation pursuant to subsection X of this section.

27 4. Provisions for the development and submittal of a school
28 improvement plan to be presented in a public meeting at the school.

29 5. A suggested time frame for the alternative operation of the school.

30 W. The state board shall periodically review the status of a school
31 that is operated by an organization other than the school district governing
32 board to determine whether the operation of the school should be returned to
33 the school district governing board. Before the state board makes a
34 determination, the state board or its designee shall meet with the school
35 district governing board or its designee to determine the time frame,
36 operational considerations and the appropriate continuation of existing
37 improvements that are necessary to assure a smooth transition of authority
38 from the other organization back to the school district governing board.

39 X. If an alternative operation plan is provided pursuant to subsection
40 V of this section, the state board of education shall pay for the operation
41 of the school and shall adjust the school district's student count pursuant
42 to section 15-902, soft capital allocation pursuant to section 15-962,
43 capital outlay revenue limit pursuant to section 15-961, base support level
44 pursuant to section 15-943, monies distributed from the classroom site fund
45 established ~~in~~ BY section 15-977 and transportation support level pursuant to

1 section 15-945 to accurately reflect any reduction in district services that
2 are no longer provided to that school by the district. The state board of
3 education may modify the school district's revenue control limit, the
4 district support level and the general budget limit calculated pursuant to
5 section 15-947 by an amount that corresponds to this reduction in services.
6 The state board of education shall retain the portion of state aid that would
7 otherwise be due the school district for the school and shall distribute that
8 portion of state aid directly to the organization that contracts with the
9 state board of education to operate the school.

10 Y. If the state board of education determines that a charter school
11 failed to properly implement its improvement plan, the sponsor of the charter
12 school shall revoke the charter school's charter.

13 Z. If there are more than two schools in a district and more than
14 one-half, or in any case more than five, of the schools in the district are
15 designated as schools failing to meet academic standards for more than two
16 consecutive years, in the next election of members of the governing board the
17 election ballot shall contain the following statement immediately above the
18 listing of governing board candidates:

19 Within the last five years, (number of schools) schools in the
20 _____ school district have been designated as "schools
21 failing to meet academic standards" by the superintendent of
22 public instruction.

23 AA. At least twice each year the department of education shall publish
24 in a newspaper of general circulation in each county of this state a list of
25 schools that are designated as schools failing to meet academic standards.

26 BB. The failing schools tutoring fund is established consisting of
27 monies collected pursuant to section 42-5029, subsection E as designated for
28 this purpose. The department of education shall administer the fund.

29 Sec. 2. Repeal

30 Section 15-756, Arizona Revised Statutes, is repealed.

31 Sec. 3. Renumber

32 Section 15-756.01, Arizona Revised Statutes, is renumbered as section
33 15-757.

34 Sec. 4. Title 15, chapter 7, article 3.1, Arizona Revised Statutes, is
35 amended by adding new sections 15-756 and 15-756.01 and sections 15-756.02
36 through 15-756.13, to read:

37 15-756. Identification of English language learners

38 A. THE PRIMARY OR HOME LANGUAGE FOR ALL NEW PUPILS WHO ENROLL IN A
39 SCHOOL DISTRICT OR CHARTER SCHOOL SHALL BE IDENTIFIED IN A MANNER PRESCRIBED
40 BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

41 B. THE ENGLISH LANGUAGE PROFICIENCY OF ALL PUPILS WITH A PRIMARY OR
42 HOME LANGUAGE OTHER THAN ENGLISH SHALL BE ASSESSED THROUGH THE ADMINISTRATION
43 OF ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS IN A MANNER PRESCRIBED BY THE
44 SUPERINTENDENT OF PUBLIC INSTRUCTION. THE TEST SCORES ADOPTED BY THE
45 SUPERINTENDENT AS INDICATING ENGLISH LANGUAGE PROFICIENCY SHALL BE BASED ON

1 THE TEST PUBLISHERS' DESIGNATED SCORES. THE DEPARTMENT SHALL ANNUALLY
2 REQUEST AN APPROPRIATION TO PAY FOR THE PURCHASE OF ALL LANGUAGE PROFICIENCY
3 ASSESSMENTS, SCORING AND ANCILLARY MATERIALS AS PRESCRIBED BY THE DEPARTMENT
4 FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS.

5 C. IF IT IS DETERMINED THAT A PUPIL IS NOT ENGLISH LANGUAGE
6 PROFICIENT, THE PUPIL SHALL BE CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER AND
7 SHALL BE ENROLLED IN AN ENGLISH LANGUAGE EDUCATION PROGRAM PURSUANT TO
8 SECTION 15-752 OR 15-753.

9 15-756.01. Arizona English language learners task force;
10 research based models of structured English
11 immersion for English language learners; budget
12 requests; definitions

13 A. THE ARIZONA ENGLISH LANGUAGE LEARNERS TASK FORCE IS ESTABLISHED IN
14 THE DEPARTMENT OF EDUCATION. THE TASK FORCE SHALL CONSIST OF:

15 1. THREE MEMBERS APPOINTED BY THE SUPERINTENDENT OF PUBLIC
16 INSTRUCTION.

17 2. TWO MEMBERS WHO ARE APPOINTED BY THE GOVERNOR.

18 3. TWO MEMBERS WHO ARE APPOINTED BY THE PRESIDENT OF THE SENATE.

19 4. TWO MEMBERS WHO ARE APPOINTED BY THE SPEAKER OF THE HOUSE OF
20 REPRESENTATIVES.

21 B. MEMBERS OF THE TASK FORCE SHALL SERVE FOUR YEAR TERMS. MEMBERS OF
22 THE TASK FORCE SHALL ELECT A CHAIRPERSON FROM AMONG THE MEMBERS OF THE TASK
23 FORCE. THE DEPARTMENT OF EDUCATION SHALL PROVIDE ADEQUATE STAFF SUPPORT FOR
24 THE TASK FORCE.

25 C. BY SEPTEMBER 1, 2006, THE TASK FORCE SHALL DEVELOP AND ADOPT
26 RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION PROGRAMS FOR USE BY
27 SCHOOL DISTRICTS AND CHARTER SCHOOLS. THE MODELS SHALL TAKE INTO
28 CONSIDERATION AT LEAST THE SIZE OF THE SCHOOL, THE LOCATION OF THE SCHOOL,
29 THE GRADE LEVELS AT THE SCHOOL, THE NUMBER OF ENGLISH LANGUAGE LEARNERS AND
30 THE PERCENTAGE OF ENGLISH LANGUAGE LEARNERS. THE MODELS SHALL BE LIMITED TO
31 PROGRAMS FOR ENGLISH LANGUAGE LEARNERS TO PARTICIPATE IN A STRUCTURED ENGLISH
32 IMMERSION PROGRAM NOT NORMALLY INTENDED TO EXCEED ONE YEAR. THE TASK FORCE
33 SHALL IDENTIFY THE MINIMUM AMOUNT OF ENGLISH LANGUAGE DEVELOPMENT PER DAY FOR
34 ALL MODELS. THE TASK FORCE SHALL DEVELOP SEPARATE MODELS FOR THE FIRST YEAR
35 IN WHICH A PUPIL IS CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER THAT INCLUDES A
36 MINIMUM OF FOUR HOURS PER DAY OF ENGLISH LANGUAGE DEVELOPMENT.

37 D. THE RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION ADOPTED
38 BY THE TASK FORCE SHALL BE THE MOST COST-EFFICIENT MODELS THAT MEET ALL STATE
39 AND FEDERAL LAWS.

40 E. THE RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION SHALL BE
41 LIMITED TO A REGULAR SCHOOL YEAR AND SCHOOL DAY. INSTRUCTION OUTSIDE THE
42 REGULAR SCHOOL YEAR OR SCHOOL DAY SHALL BE PROVIDED WITH COMPENSATORY
43 INSTRUCTION AND MAY BE ELIGIBLE FOR FUNDING FROM THE STATEWIDE COMPENSATORY
44 INSTRUCTION FUND ESTABLISHED BY SECTION 15-756.11.

1 F. THE RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION SHALL BE
2 SUBMITTED BY THE TASK FORCE TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF
3 THE HOUSE OF REPRESENTATIVES, THE GOVERNOR AND THE STATE BOARD OF EDUCATION.
4 AT LEAST THIRTY DAYS BEFORE ADOPTION, THE TASK FORCE SHALL SUBMIT THE
5 RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION TO THE JOINT
6 LEGISLATIVE BUDGET COMMITTEE FOR REVIEW.

7 G. THE TASK FORCE SHALL REVIEW RESEARCH BASED MODELS OF STRUCTURED
8 ENGLISH IMMERSION ANNUALLY AND DELETE, ADD OR MODIFY THE EXISTING MODELS.
9 WHEN ADOPTING OR MODIFYING ENGLISH LANGUAGE LEARNER PROGRAMS, THE TASK FORCE
10 SHALL REVIEW AND CONSIDER THE INFORMATION AND DATA OBTAINED AS A RESULT OF
11 THE DEPARTMENT OF EDUCATION'S MONITORING OF ENGLISH LANGUAGE LEARNER PROGRAMS
12 PURSUANT TO SECTION 15-756.08.

13 H. THE TASK FORCE SHALL ESTABLISH PROCEDURES FOR SCHOOL DISTRICTS AND
14 CHARTER SCHOOLS TO DETERMINE THE INCREMENTAL COSTS FOR IMPLEMENTATION OF THE
15 RESEARCH BASED MODELS OF STRUCTURED ENGLISH IMMERSION DEVELOPED BY THE TASK
16 FORCE.

17 I. THE TASK FORCE SHALL ESTABLISH A FORM FOR SCHOOL DISTRICTS AND
18 CHARTER SCHOOLS TO DETERMINE THE STRUCTURED ENGLISH IMMERSION BUDGET REQUEST
19 AMOUNT. NOTWITHSTANDING ANY OTHER LAW, THE MAXIMUM AMOUNT OF THE BUDGET
20 REQUEST SHALL BE THE INCREMENTAL COSTS OF THE MODEL SELECTED OFFSET BY THE
21 FOLLOWING MONIES:

22 1. ALL FEDERAL TITLE III MONIES AND ANY OTHER FEDERAL MONIES
23 DESIGNATED SOLELY FOR THE EDUCATIONAL NEEDS OF ENGLISH LANGUAGE LEARNERS.

24 2. THE PORTION OF TITLE I AND TITLE II A MONIES DETERMINED BY THE
25 ENGLISH LANGUAGE LEARNER POPULATION AS A PERCENTAGE OF THE QUALIFIED
26 POPULATION.

27 3. THE PORTION OF IMPACT AID MONIES DETERMINED BY THE ENGLISH LANGUAGE
28 LEARNER POPULATION AS A PERCENTAGE OF THE QUALIFIED POPULATION. A SCHOOL
29 DISTRICT OR CHARTER SCHOOL SHALL ONLY APPLY UNEXPENDED IMPACT AID MONIES TO
30 ENGLISH LANGUAGE LEARNER PROGRAMS AFTER IT HAS APPLIED ITS IMPACT AID MONIES
31 FOR OTHER ALLOWABLE USES AS PERMITTED BY STATE LAW.

32 4. THE PORTION OF DESEGREGATION MONIES LEVIED PURSUANT TO SECTION
33 15-910 DETERMINED BY THE ENGLISH LANGUAGE LEARNER POPULATION AS A PERCENTAGE
34 OF THE QUALIFIED POPULATION.

35 5. THE ELL SUPPORT LEVEL WEIGHT PRESCRIBED IN SECTION 15-943.

36 J. THE DIFFERENCE CALCULATED PURSUANT TO SUBSECTION I OF THIS SECTION
37 SHALL BE THE MAXIMUM AMOUNT OF THE STRUCTURED ENGLISH IMMERSION BUDGET
38 REQUEST PURSUANT TO SECTION 15-756.03 FOR MONIES FROM THE ARIZONA STRUCTURED
39 ENGLISH IMMERSION FUND ESTABLISHED BY SECTION 15-756.04. BEGINNING JULY 15,
40 2008, SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL NOT INCLUDE THE INCREMENTAL
41 COSTS OF ANY PUPIL WHO IS CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER AFTER
42 JULY 1, 2007 AND WHO HAS BEEN CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER FOR
43 MORE THAN TWO YEARS IN THE CALCULATION OF THE SCHOOL DISTRICT'S OR CHARTER
44 SCHOOL'S STRUCTURED ENGLISH IMMERSION BUDGET REQUEST.

1 K. IN CONSULTATION WITH THE AUDITOR GENERAL, THE DEPARTMENT OF
2 EDUCATION SHALL DEVELOP AND ADOPT FORMS TO BE USED BY SCHOOL DISTRICTS AND
3 CHARTER SCHOOLS TO SUBMIT BUDGET REQUESTS FOR THE ARIZONA STRUCTURED ENGLISH
4 IMMERSION FUND, INCLUDING THE FORM PRESCRIBED IN SUBSECTION I OF THIS
5 SECTION.

6 L. FOR THE PURPOSES OF THIS SECTION:

7 1. "COMPENSATORY INSTRUCTION" HAS THE SAME MEANING PRESCRIBED IN
8 SECTION 15-756.11.

9 2. "INCREMENTAL COSTS" MEANS COSTS THAT ARE ASSOCIATED WITH A
10 STRUCTURED ENGLISH IMMERSION PROGRAM PURSUANT TO SECTION 15-752 OR A PROGRAM
11 PURSUANT TO SECTION 15-753 AND THAT ARE IN ADDITION TO THE NORMAL COSTS OF
12 CONDUCTING PROGRAMS FOR ENGLISH PROFICIENT STUDENTS. INCREMENTAL COSTS DO
13 NOT INCLUDE COSTS THAT REPLACE THE SAME TYPES OF SERVICES PROVIDED TO ENGLISH
14 PROFICIENT STUDENTS OR COMPENSATORY INSTRUCTION.

15 15-756.02. School districts and charter schools; English
16 language learner models; adoption and
17 implementation

18 A. EACH SCHOOL DISTRICT GOVERNING BOARD AND EACH GOVERNING BODY OF A
19 CHARTER SCHOOL SHALL SELECT ONE OR MORE OF THE TASK FORCE APPROVED MODELS FOR
20 STRUCTURED ENGLISH IMMERSION FOR IMPLEMENTATION ON A SCHOOL BY SCHOOL BASIS.

21 B. IF A SCHOOL DISTRICT OR CHARTER SCHOOL WANTS TO ADOPT AN ENGLISH
22 LANGUAGE LEARNER PROGRAM THAT IS NOT BASED ON A MODEL ADOPTED BY THE TASK
23 FORCE, THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL FIRST SUBMIT THE PROPOSED
24 PROGRAM ALONG WITH SUPPORTING DOCUMENTATION REGARDING THE EXPECTED OUTCOMES
25 OF THE PROGRAM ON THE DISTRICT'S OR CHARTER SCHOOL'S ENGLISH LANGUAGE LEARNER
26 STUDENTS TO THE TASK FORCE FOR APPROVAL.

27 C. ON RECEIPT OF A PROPOSED PROGRAM FROM A SCHOOL DISTRICT OR CHARTER
28 SCHOOL, THE TASK FORCE MAY DO ONE OF THE FOLLOWING:

29 1. APPROVE THE PROPOSED PROGRAM.

30 2. PROVIDE LIMITED APPROVAL SUBJECT TO SPECIFIC STIPULATIONS
31 PRESCRIBED BY THE STATE BOARD.

32 3. REJECT THE PROPOSED PROGRAM AND IDENTIFY A MODEL APPROVED BY THE
33 TASK FORCE FOR THE SCHOOL DISTRICT OR CHARTER SCHOOL TO ADOPT.

34 D. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL INCLUDE A COPY OF THE
35 ADOPTED ENGLISH LANGUAGE LEARNER PROGRAM IN THE ANNUAL REPORT REQUIRED IN
36 SECTION 15-756.10.

37 15-756.03. Structured English immersion; budget request

38 A. IF A SCHOOL DISTRICT OR CHARTER SCHOOL QUALIFIES TO SUBMIT A BUDGET
39 REQUEST BASED ON THE FORM PRESCRIBED IN SECTION 15-756.01, SUBSECTION I, THE
40 SCHOOL DISTRICT OR CHARTER SCHOOL SHALL SUBMIT A STRUCTURED ENGLISH IMMERSION
41 BUDGET REQUEST ON A SCHOOL BY SCHOOL BASIS. THE BUDGET REQUEST SHALL BE FOR
42 A SPECIFIC AMOUNT OF SUPPLEMENTAL MONIES FROM THE ARIZONA STRUCTURED ENGLISH
43 IMMERSION FUND ESTABLISHED BY SECTION 15-756.04.

44 B. EACH SCHOOL DISTRICT OR CHARTER SCHOOL STRUCTURED ENGLISH IMMERSION
45 BUDGET REQUEST SHALL INCLUDE THE SIGNATURE OF THE SUPERINTENDENT OF THE

1 SCHOOL DISTRICT AND THE CHIEF FINANCIAL OFFICER OF THE SCHOOL DISTRICT OR THE
2 PRINCIPAL OF THE CHARTER SCHOOL AND THE CHIEF FINANCIAL OFFICER OF THE
3 CHARTER SCHOOL THAT CERTIFIES THAT THE INFORMATION IN THE BUDGET REQUEST IS
4 TRUE TO THE BEST OF THAT PERSON'S KNOWLEDGE AND HAS BEEN CALCULATED IN
5 ACCORDANCE WITH THE FORM PRESCRIBED IN SECTION 15-756.01, SUBSECTION I AND
6 THAT MONIES FROM THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND ESTABLISHED
7 BY SECTION 15-756.04 WILL NOT BE USED TO SUPPLANT ANY FEDERAL, STATE OR LOCAL
8 MONIES, INCLUDING DESEGREGATION MONIES LEVIED PURSUANT TO SECTION 15-910,
9 USED FOR ENGLISH LANGUAGE LEARNERS THAT WERE BUDGETED FOR ENGLISH LANGUAGE
10 LEARNERS AS OF FEBRUARY 23, 2006.

11 C. BEGINNING JULY 1, 2007, EACH SCHOOL DISTRICT AND CHARTER SCHOOL
12 THAT SUBMITS A STRUCTURED ENGLISH IMMERSION BUDGET REQUEST SHALL SUBMIT THE
13 BUDGET REQUEST TO THE DEPARTMENT OF EDUCATION ANNUALLY ON OR BEFORE
14 SEPTEMBER 15. THE DEPARTMENT OF EDUCATION SHALL VERIFY THE BUDGET REQUEST OF
15 EACH SCHOOL DISTRICT AND CHARTER SCHOOL FOR ACCURACY AND COMPLIANCE WITH THE
16 FORM PRESCRIBED IN SECTION 15-756.01, SUBSECTION I. THE DEPARTMENT SHALL
17 COLLECT ALL SCHOOL DISTRICT AND CHARTER SCHOOL BUDGET REQUESTS AND SUBMIT
18 THEM TO THE LEGISLATURE FOR FUNDING FROM THE ARIZONA STRUCTURED ENGLISH
19 IMMERSION FUND ESTABLISHED BY SECTION 15-756.04 AT THE SAME TIME AS THE
20 DEPARTMENT'S BUDGET REQUEST.

21 15-756.04. Arizona structured English immersion fund

22 A. THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND IS ESTABLISHED. THE
23 DEPARTMENT OF EDUCATION SHALL ADMINISTER THE FUND.

24 B. THE DEPARTMENT SHALL SUBMIT AN ANNUAL REQUEST FOR AN APPROPRIATION
25 FOR THE PURPOSES OF THIS SECTION.

26 C. IN ADDITION TO THE ELL SUPPORT LEVEL WEIGHT PRESCRIBED IN SECTION
27 15-943, THE DEPARTMENT SHALL DISTRIBUTE MONIES FROM THE FUND TO SCHOOL
28 DISTRICTS AND CHARTER SCHOOLS IN AN AMOUNT SPECIFIED IN THE BUDGET REQUEST
29 PRESCRIBED IN SECTION 15-756.03, SUBSECTION C. MONIES FROM THE FUND
30 ESTABLISHED BY THIS SECTION AND MONIES FOR THE ELL SUPPORT LEVEL WEIGHT
31 PRESCRIBED IN SECTION 15-943 SHALL NOT BE DISTRIBUTED FOR MORE THAN TWO
32 FISCAL YEARS FOR THE SAME PUPIL. NOTHING IN THIS SUBSECTION SHALL BE
33 CONSTRUED TO PROHIBIT A SCHOOL DISTRICT OR CHARTER SCHOOL FROM RECEIVING
34 MONIES FROM THE STATEWIDE COMPENSATORY INSTRUCTION FUND ESTABLISHED BY
35 SECTION 15-756.11 FOR MORE THAN TWO FISCAL YEARS FOR THE SAME PUPIL.

36 D. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ATTEMPT TO OBTAIN
37 THE MAXIMUM AMOUNT OF FEDERAL FUNDING THAT IS AVAILABLE FOR ENGLISH LANGUAGE
38 LEARNER PROGRAMS.

39 E. EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL ESTABLISH A LOCAL
40 LEVEL STRUCTURED ENGLISH IMMERSION FUND TO RECEIVE MONIES DISTRIBUTED FROM
41 THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND. MONIES IN LOCAL LEVEL
42 STRUCTURED ENGLISH IMMERSION FUNDS SHALL BE SPENT ONLY TO PROVIDE INSTRUCTION
43 TO ENGLISH LANGUAGE LEARNERS. THE AUDITOR GENERAL SHALL MODIFY THE BUDGET
44 FORMAT, FINANCIAL RECORD REQUIREMENTS, ACCOUNTING FORMS AND FINANCIAL REPORT
45 FORMS IN ACCORDANCE WITH THIS SUBSECTION. IN CONSULTATION WITH THE

1 DEPARTMENT OF EDUCATION, THE AUDITOR GENERAL SHALL PROVIDE SUPPORT AND
2 GUIDANCE TO ASSIST SCHOOL DISTRICTS AND CHARTER SCHOOLS IN COMPLYING WITH
3 THIS SUBSECTION. DOCUMENTS DEVELOPED PURSUANT TO THIS SUBSECTION SHALL BE
4 REVIEWED BY THE ARIZONA ENGLISH LANGUAGE LEARNERS TASK FORCE ESTABLISHED BY
5 SECTION 15-756.01 AND THE JOINT LEGISLATIVE BUDGET COMMITTEE.

6 F. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL USE MONIES FROM THE FUND
7 TO SUPPLEMENT EXISTING PROGRAMS FOR ENGLISH LANGUAGE LEARNERS. MONIES FROM
8 THE FUND SHALL NOT BE USED TO SUPPLANT AVAILABLE MONIES USED TO PAY FOR THE
9 NORMAL COSTS OF CONDUCTING PROGRAMS FOR ENGLISH PROFICIENT STUDENTS.

10 15-756.05. Reassessment and reclassification of English
11 language learners

12 A. THE PROCESS OF REASSESSMENT OF ENGLISH LANGUAGE LEARNERS FOR THE
13 PURPOSE OF DETERMINING ENGLISH LANGUAGE PROFICIENCY SHALL BE CONDUCTED AT
14 LEAST ANNUALLY AT THE END OF EACH SCHOOL YEAR IN A MANNER PRESCRIBED BY THE
15 SUPERINTENDENT OF PUBLIC INSTRUCTION.

16 B. A PUPIL WHO SCORES AT OR ABOVE THE TEST PUBLISHER'S DESIGNATED
17 SCORE FOR ENGLISH PROFICIENCY SHALL BE CONSIDERED ENGLISH PROFICIENT. THE
18 PUPIL SHALL NO LONGER BE CLASSIFIED AS AN ENGLISH LANGUAGE LEARNER AND SHALL
19 BE RECLASSIFIED AS ENGLISH PROFICIENT.

20 C. A PUPIL WHO HAS ATTAINED ENGLISH PROFICIENCY PURSUANT TO THIS
21 SECTION SHALL BE TRANSFERRED TO ENGLISH LANGUAGE MAINSTREAM CLASSROOMS.

22 15-756.06. Reevaluation of former English language learners

23 THE ENGLISH LANGUAGE PROFICIENCY OF EACH PUPIL PREVIOUSLY CLASSIFIED AS
24 AN ENGLISH LANGUAGE LEARNER WITHIN THE LAST TWO YEARS SHALL BE TESTED
25 ANNUALLY AT THE END OF EACH SCHOOL YEAR, IN THE SAME MANNER AS PROVIDED IN
26 SECTION 15-756, SUBSECTION B. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL
27 PRESCRIBE THE MANNER IN WHICH PUPILS ARE REEVALUATED. PUPILS WHO FAIL TO
28 DEMONSTRATE ENGLISH PROFICIENCY ON THE REASSESSMENT TEST IN THE TWO YEARS
29 FOLLOWING THEIR EXIT FROM STRUCTURED ENGLISH IMMERSION, SUBJECT TO PARENTAL
30 CONSENT, SHALL BE REENROLLED IN STRUCTURED ENGLISH IMMERSION PURSUANT TO
31 SECTION 15-752 AND MAY BE PROVIDED COMPENSATORY INSTRUCTION AS DEFINED IN
32 SECTION 15-756.11.

33 15-756.07. Office of English language acquisition services:
34 duties

35 THE OFFICE OF ENGLISH LANGUAGE ACQUISITION SERVICES IS ESTABLISHED IN
36 THE DEPARTMENT OF EDUCATION. THE DEPARTMENT OF EDUCATION, OFFICE OF ENGLISH
37 LANGUAGE ACQUISITION SERVICES, SHALL:

38 1. DEVELOP GUIDELINES FOR MONITORING SCHOOL DISTRICTS AND CHARTER
39 SCHOOLS TO ENSURE COMPLIANCE WITH ALL FEDERAL AND STATE LAWS REGARDING
40 ENGLISH LANGUAGE LEARNERS.

41 2. IN CONSULTATION WITH COUNTY SCHOOL SUPERINTENDENTS, DEVELOP
42 REGIONAL PROGRAMS TO ENHANCE ALL ASPECTS OF TRAINING FOR TEACHERS AND
43 ADMINISTRATORS.

44 3. PUBLISH ENGLISH LANGUAGE LEARNER POLICY GUIDELINES FOR SCHOOL
45 DISTRICTS AND CHARTER SCHOOLS THAT INCLUDE A LIST OF RELEVANT RULES,

1 REGULATIONS AND STATUTES RELATING TO ENGLISH LANGUAGE LEARNER PROGRAMS TO
2 NOTIFY SCHOOL DISTRICTS AND CHARTER SCHOOLS OF THEIR RESPONSIBILITIES.

3 4. PROVIDE TECHNICAL ASSISTANCE TO SCHOOL DISTRICTS AND CHARTER
4 SCHOOLS TO IMPLEMENT STRUCTURED ENGLISH IMMERSION PROGRAMS.

5 15-756.08. Monitoring; corrective action plan

6 A. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL DIRECT THE OFFICE OF
7 ENGLISH LANGUAGE ACQUISITION SERVICES IN THE DEPARTMENT OF EDUCATION TO:

8 1. MONITOR EACH YEAR AT LEAST TWELVE SCHOOL DISTRICTS OR CHARTER
9 SCHOOLS FROM THE FIFTY SCHOOL DISTRICTS OR CHARTER SCHOOLS IN THIS STATE WITH
10 THE HIGHEST NUMBER OF ENGLISH LANGUAGE LEARNERS. THE DEPARTMENT OF EDUCATION
11 SHALL MONITOR ALL FIFTY SCHOOL DISTRICTS OR CHARTER SCHOOLS WITH THE HIGHEST
12 NUMBER OF ENGLISH LANGUAGE LEARNERS IN THIS STATE AT LEAST ONCE EVERY FOUR
13 YEARS.

14 2. MONITOR EACH YEAR AT LEAST TEN SCHOOL DISTRICTS OR CHARTER SCHOOLS
15 THAT ARE NOT INCLUDED IN THE FIFTY SCHOOL DISTRICTS OR CHARTER SCHOOLS
16 DESCRIBED IN PARAGRAPH 1.

17 3. MONITOR EACH YEAR AT LEAST TEN SCHOOL DISTRICTS OR CHARTER SCHOOLS
18 THAT ARE NOT REQUIRED TO PROVIDE INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS
19 FOR A MAJORITY OF THEIR GRADE LEVELS.

20 4. CHOOSE, BASED ON THE DEPARTMENT'S REVIEW OF REPORTS SUBMITTED BY
21 SCHOOL DISTRICTS AND CHARTER SCHOOLS, THE SCHOOL DISTRICTS AND CHARTER
22 SCHOOLS DESCRIBED IN PARAGRAPHS 1, 2 AND 3.

23 5. SELECT A RANDOM SAMPLE OF THREE HUNDRED ENGLISH LANGUAGE LEARNERS
24 EACH MONTH TO DETERMINE:

25 (a) HOW MANY OF THE SAMPLE CAN READ THE RANDOMLY ORDERED ALPHABET IN
26 THIRTY SECONDS OR LESS.

27 (b) HOW MANY OF THE SAMPLE CAN READ A RANDOMLY SORTED LIST OF THIRTY
28 SINGLE-SYLLABLE WORDS IN ONE MINUTE OR LESS.

29 B. THE MONITORING REQUIRED BY THIS SECTION SHALL BE ON-SITE MONITORING
30 AND SHALL INCLUDE CLASSROOM OBSERVATIONS, CURRICULUM REVIEWS, FACULTY
31 INTERVIEWS, STUDENT RECORDS, A REVIEW OF ENGLISH LANGUAGE LEARNER PROGRAMS
32 AND AN ANALYSIS OF PROGRAMMATIC EFFECTIVENESS, AT A MINIMUM, TO INCLUDE PRIOR
33 YEAR DATA THAT ANALYZE THE PROGRESS OF ENGLISH LANGUAGE LEARNERS.

34 C. BASED ON THE RESULTS OF THE MONITORING, THE DEPARTMENT SHALL
35 DETERMINE WHETHER OR NOT THE SCHOOL DISTRICT OR CHARTER SCHOOL IS COMPLYING
36 WITH STATE AND FEDERAL LAWS APPLICABLE TO ENGLISH LANGUAGE LEARNERS.

37 D. THE DEPARTMENT SHALL ISSUE A REPORT OF THE RESULTS OF THE
38 MONITORING WITHIN FORTY-FIVE DAYS AFTER COMPLETING THE MONITORING.

39 E. WITHIN SIXTY DAYS FOLLOWING THE ISSUANCE OF THE DEPARTMENT'S
40 REPORT, THE SCHOOL DISTRICT OR CHARTER SCHOOL RECEIVING THE REPORT SHALL
41 PREPARE AND SUBMIT TO THE DEPARTMENT A CORRECTIVE ACTION PLAN, IN A MANNER
42 PRESCRIBED BY THE STATE BOARD OF EDUCATION, THAT SETS FORTH STEPS THAT WILL
43 BE TAKEN TO CORRECT THE DEFICIENCIES, IF ANY, NOTED IN THE DEPARTMENT'S
44 REPORT.

1 F. WITHIN THIRTY DAYS AFTER RECEIVING A SCHOOL DISTRICT'S OR CHARTER
2 SCHOOL'S CORRECTIVE ACTION PLAN, THE DEPARTMENT SHALL REVIEW THE CORRECTIVE
3 ACTION PLAN AND MAY REQUIRE CHANGES TO THE CORRECTIVE ACTION PLAN.

4 G. AFTER THE DEPARTMENT HAS REVIEWED A SCHOOL DISTRICT'S OR CHARTER
5 SCHOOL'S CORRECTIVE ACTION PLAN AND MADE ANY CHANGES THE DEPARTMENT DEEMS
6 NECESSARY, THE DEPARTMENT SHALL RETURN THE CORRECTIVE ACTION PLAN TO THE
7 SCHOOL DISTRICT OR CHARTER SCHOOL.

8 H. WITHIN THIRTY DAYS AFTER RECEIVING A CORRECTIVE ACTION PLAN BACK
9 FROM THE DEPARTMENT, THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL BEGIN
10 IMPLEMENTING THE MEASURES SET FORTH IN THE CORRECTIVE ACTION PLAN.

11 I. THE DEPARTMENT SHALL CONDUCT A FOLLOW-UP EVALUATION OF THE SCHOOL
12 DISTRICT OR CHARTER SCHOOL WITHIN ONE YEAR AFTER THE DEPARTMENT RETURNED THE
13 CORRECTIVE ACTION PLAN TO THE SCHOOL DISTRICT OR CHARTER SCHOOL.

14 J. IN CONDUCTING THE FOLLOW-UP EVALUATION, IF THE DEPARTMENT FINDS
15 THAT THE SCHOOL DISTRICT OR CHARTER SCHOOL IS NOT IN COMPLIANCE WITH STATE
16 AND FEDERAL LAWS APPLICABLE TO ENGLISH LANGUAGE LEARNERS, THE DEPARTMENT
17 SHALL REFER THE SCHOOL DISTRICT OR CHARTER SCHOOL TO THE STATE BOARD OF
18 EDUCATION FOR A FINDING OF NONCOMPLIANCE. A SCHOOL DISTRICT OR CHARTER
19 SCHOOL FOUND BY THE BOARD TO BE NONCOMPLIANT SHALL NOT CONTINUE TO RECEIVE
20 ANY MONIES FROM THE ARIZONA STRUCTURED ENGLISH IMMERSION FUND ESTABLISHED BY
21 SECTION 15-756.04 FOR ENGLISH LANGUAGE LEARNERS AND SHALL NOT REDUCE THE
22 AMOUNT OF MONIES SPENT ON THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S ENGLISH
23 LANGUAGE LEARNER PROGRAMS DESPITE THE LOSS OF MONIES CAUSED BY THE
24 NONCOMPLIANCE.

25 K. THE DEPARTMENT SHALL MONITOR EACH SCHOOL DISTRICT OR CHARTER SCHOOL
26 THAT THE STATE BOARD OF EDUCATION HAS FOUND TO BE NONCOMPLIANT AND THAT IS
27 NOT RECEIVING ARIZONA STRUCTURED ENGLISH IMMERSION FUND MONIES PURSUANT TO
28 SUBSECTION J OF THIS SECTION TO ENSURE THAT THE SCHOOL DISTRICT OR CHARTER
29 SCHOOL DOES NOT REDUCE THE AMOUNT OF MONIES SPENT ON THE SCHOOL DISTRICT'S OR
30 CHARTER SCHOOL'S ENGLISH LANGUAGE LEARNER PROGRAMS DESPITE THE LOSS OF
31 ARIZONA STRUCTURED ENGLISH IMMERSION FUND MONIES CAUSED BY THE
32 NONCOMPLIANCE.

33 15-756.09. Teacher training

34 A. THE STATE BOARD OF EDUCATION SHALL DETERMINE THE QUALIFICATIONS
35 NECESSARY FOR A PROVISIONAL AND FULL STRUCTURED ENGLISH IMMERSION
36 ENDORSEMENT.

37 B. TRAINING MAY BE ALLOWED THAT IS NOT PROVIDED BY A COLLEGE OR
38 UNIVERSITY TO SUBSTITUTE FOR ANY OF THE COURSES REQUIRED FOR A STRUCTURED
39 ENGLISH IMMERSION ENDORSEMENT OR A BILINGUAL EDUCATION ENDORSEMENT IF ALL OF
40 THE FOLLOWING CONDITIONS APPLY:

41 1. THE STATE BOARD OF EDUCATION HAS REVIEWED THE CURRICULA, TEXTBOOKS,
42 GRADING PROCEDURES AND ATTENDANCE POLICIES AND DETERMINED THAT THE TRAINING
43 IS COMPARABLE IN AMOUNT, SCOPE AND QUALITY TO A COURSE OFFERED BY A COLLEGE
44 OR UNIVERSITY FOR A STRUCTURED ENGLISH IMMERSION OR BILINGUAL EDUCATION
45 ENDORSEMENT.

1 2. THE TRAINING MEETS THE PROFESSIONAL TEACHING STANDARDS ADOPTED BY
2 THE STATE BOARD OF EDUCATION.

3 3. THE STATE BOARD OF EDUCATION HAS REVIEWED THE QUALIFICATIONS OF THE
4 INSTRUCTOR AND DETERMINED THAT THE INSTRUCTOR HAS SUFFICIENT EXPERIENCE TO
5 EFFECTIVELY CONDUCT THE TRAINING.

6 C. THE STATE BOARD OF EDUCATION SHALL REQUIRE ALL APPROVED TEACHER
7 TRAINING PROGRAMS THAT PROVIDE A DEGREE IN EDUCATION TO REQUIRE COURSES THAT
8 ARE NECESSARY TO OBTAIN A FULL STRUCTURED ENGLISH IMMERSION ENDORSEMENT.

9 15-756.10. Reporting

10 THE OFFICE OF ENGLISH LANGUAGE ACQUISITION SERVICES IN THE DEPARTMENT
11 OF EDUCATION SHALL:

12 1. REQUIRE EACH SCHOOL DISTRICT AND CHARTER SCHOOL TO ANNUALLY SUBMIT
13 A REPORT TO THE DEPARTMENT OF EDUCATION THAT INCLUDES THE FOLLOWING
14 INFORMATION IDENTIFIED BY GRADE LEVEL AND BY SCHOOL:

15 (a) THE TOTAL NUMBER OF PUPILS WHO ARE CLASSIFIED AS ENGLISH LANGUAGE
16 LEARNERS AS VERIFIED BY THE STUDENT ACCOUNTABILITY INFORMATION SYSTEM
17 ESTABLISHED BY SECTION 15-1041.

18 (b) THE NUMBER OF PUPILS WHO ARE CLASSIFIED AS ENGLISH LANGUAGE
19 LEARNERS FOR THE FIRST TIME AS VERIFIED BY THE STUDENT ACCOUNTABILITY
20 INFORMATION SYSTEM ESTABLISHED BY SECTION 15-1041.

21 (c) THE NUMBER OF ENGLISH LANGUAGE LEARNERS WHO ACHIEVED ENGLISH
22 PROFICIENCY IN THE PAST ACADEMIC YEAR AND WHO HAVE BEEN RECLASSIFIED AS
23 ENGLISH PROFICIENT AS VERIFIED BY THE STUDENT ACCOUNTABILITY INFORMATION
24 SYSTEM ESTABLISHED BY SECTION 15-1041.

25 (d) THE NUMBER OF PUPILS WHO ARE ENROLLED IN EACH TYPE OF LANGUAGE
26 ACQUISITION PROGRAM OFFERED BY THE SCHOOL DISTRICT OR CHARTER SCHOOL AS
27 VERIFIED BY THE STUDENT ACCOUNTABILITY INFORMATION SYSTEM ESTABLISHED BY
28 SECTION 15-1041.

29 (e) IF REQUESTED BY THE DEPARTMENT OF EDUCATION, THE TEST DATA USED TO
30 DETERMINE ENGLISH PROFICIENCY.

31 2. DETERMINE THE MOBILITY OF ENGLISH LANGUAGE LEARNERS WITHIN THE SAME
32 SCHOOL DISTRICT AND THE MOBILITY OF ENGLISH LANGUAGE LEARNERS TO OTHER SCHOOL
33 DISTRICTS AND CHARTER SCHOOLS THROUGH THE STUDENT ACCOUNTABILITY INFORMATION
34 SYSTEM ESTABLISHED BY SECTION 15-1041.

35 3. SUBMIT AN ANNUAL REPORT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE
36 THAT INCLUDES AN ITEMIZED LIST OF ALL FEDERAL MONIES RECEIVED BY THE
37 DEPARTMENT FOR ENGLISH LANGUAGE LEARNERS, A LIST OF HOW MUCH OF THESE MONIES
38 WERE DISTRIBUTED TO SCHOOL DISTRICTS ON A DISTRICT BY DISTRICT BASIS AND THE
39 PURPOSES FOR WHICH THESE FEDERAL MONIES ARE DESIGNATED. THE DEPARTMENT SHALL
40 SUBMIT A COPY OF THIS REPORT TO THE SECRETARY OF STATE AND THE DIRECTOR OF
41 THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

42 4. SUBMIT AN ANNUAL REPORT TO THE GOVERNOR, THE PRESIDENT OF THE
43 SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE STATE BOARD OF
44 EDUCATION THAT INCLUDES A DETAILED ANALYSIS OF WHETHER AND TO WHAT EXTENT
45 PUPILS ARE BENEFITING ACADEMICALLY FROM COMPENSATORY INSTRUCTION AS DEFINED

1 IN SECTION 15-756.11 AND A COMPARISON OF THE ACADEMIC ACHIEVEMENT OF PUPILS
2 BEFORE AND AFTER RECEIVING COMPENSATORY INSTRUCTION AS DEFINED IN SECTION
3 15-756.11. THE DEPARTMENT SHALL SUBMIT A COPY OF THIS REPORT TO THE
4 SECRETARY OF STATE AND THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES
5 AND PUBLIC RECORDS.

6 5. PRESENT A DETAILED ANNUAL SUMMARY OF ALL ENGLISH LANGUAGE LEARNER
7 PROGRAMS AND FUNDING AT A PUBLIC MEETING OF THE STATE BOARD OF EDUCATION.

8 6. PRESENT A SUMMARY OF INFORMATION RELATING TO THE DEMONSTRATED
9 SUCCESS OF SCHOOLS AND SCHOOL DISTRICTS AT ACHIEVING ENGLISH PROFICIENCY FOR
10 ENGLISH LANGUAGE LEARNERS.

11 15-756.11. Statewide compensatory instruction fund; reporting;
12 definition

13 A. THE STATEWIDE COMPENSATORY INSTRUCTION FUND IS ESTABLISHED. THE
14 DEPARTMENT OF EDUCATION SHALL ADMINISTER THE FUND.

15 B. TO BE ELIGIBLE FOR MONIES APPROPRIATED PURSUANT TO THIS SECTION, A
16 SCHOOL DISTRICT OR CHARTER SCHOOL MUST DEMONSTRATE TO THE DEPARTMENT OF
17 EDUCATION THAT IT HAS ESTABLISHED A SATISFACTORY COMPENSATORY INSTRUCTION
18 PROGRAM. THE DEPARTMENT OF EDUCATION SHALL DISTRIBUTE MONIES FROM THE FUND
19 TO SCHOOL DISTRICTS AND CHARTER SCHOOLS IN AN AMOUNT DETERMINED BY THE
20 DEPARTMENT FOR COMPENSATORY INSTRUCTION COSTS.

21 C. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL ANNUALLY SUBMIT WRITTEN
22 COMPENSATORY INSTRUCTION BUDGET REQUESTS TO THE DEPARTMENT ON OR BEFORE JULY
23 15 FOR MONIES FROM THE FUND ON A FORM DEVELOPED BY THE DEPARTMENT. THE
24 REQUESTS SHALL INCLUDE AN ANALYSIS OF COMPENSATORY INSTRUCTION EFFECTIVENESS.

25 D. THE WRITTEN REQUESTS SUBMITTED BY SCHOOL DISTRICTS AND CHARTER
26 SCHOOLS SHALL BE SIGNED BY THE SUPERINTENDENT OF THE SCHOOL DISTRICT AND THE
27 CHIEF FINANCIAL OFFICER OF THE SCHOOL DISTRICT OR THE PRINCIPAL OF THE
28 CHARTER SCHOOL AND THE CHIEF FINANCIAL OFFICER OF THE CHARTER SCHOOL AND
29 MONIES FROM THE STATEWIDE COMPENSATORY INSTRUCTION FUND SHALL NOT BE USED TO
30 SUPPLANT ANY FEDERAL, STATE OR LOCAL MONIES, INCLUDING DESEGREGATION MONIES
31 LEVIED PURSUANT TO SECTION 15-910, USED FOR ENGLISH LANGUAGE LEARNERS THAT
32 WERE BUDGETED FOR ENGLISH LANGUAGE LEARNERS AS OF FEBRUARY 23, 2006.

33 E. SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL USE MONIES FROM THE FUND
34 TO SUPPLEMENT EXISTING PROGRAMS. MONIES SHALL NOT BE USED TO SUPPLANT ANY
35 FEDERAL, STATE OR LOCAL MONIES, INCLUDING DESEGREGATION MONIES LEVIED
36 PURSUANT TO SECTION 15-910, USED FOR COMPENSATORY INSTRUCTION THAT WERE
37 BUDGETED FOR ENGLISH LANGUAGE LEARNERS AS OF FEBRUARY 23, 2006.

38 F. EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL ESTABLISH A LOCAL
39 LEVEL COMPENSATORY INSTRUCTION FUND TO RECEIVE MONIES DISTRIBUTED FROM THE
40 STATEWIDE COMPENSATORY INSTRUCTION FUND. MONIES IN LOCAL LEVEL COMPENSATORY
41 INSTRUCTION FUNDS SHALL BE SPENT ONLY FOR COMPENSATORY INSTRUCTION. THE
42 AUDITOR GENERAL SHALL MODIFY THE BUDGET FORMAT, FINANCIAL RECORD
43 REQUIREMENTS, ACCOUNTING FORMS AND FINANCIAL REPORT FORMS IN ACCORDANCE WITH
44 THIS SUBSECTION. IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION, THE
45 AUDITOR GENERAL SHALL PROVIDE SUPPORT AND GUIDANCE TO ASSIST SCHOOL DISTRICTS

1 AND CHARTER SCHOOLS IN COMPLYING WITH THIS SUBSECTION. DOCUMENTS DEVELOPED
2 PURSUANT TO THIS SUBSECTION SHALL BE REVIEWED BY THE ARIZONA ENGLISH LANGUAGE
3 LEARNERS TASK FORCE ESTABLISHED BY SECTION 15-756.01 AND THE JOINT
4 LEGISLATIVE BUDGET COMMITTEE.

5 G. FOR THE PURPOSES OF THIS SECTION, "COMPENSATORY INSTRUCTION" MEANS
6 PROGRAMS IN ADDITION TO NORMAL CLASSROOM INSTRUCTION THAT MAY INCLUDE
7 INDIVIDUAL OR SMALL GROUP INSTRUCTION, EXTENDED DAY CLASSES, SUMMER SCHOOL OR
8 INTERSESSION SCHOOL AND THAT ARE LIMITED TO IMPROVING THE ENGLISH PROFICIENCY
9 OF CURRENT ENGLISH LANGUAGE LEARNERS AND PUPILS WHO WERE ENGLISH LANGUAGE
10 LEARNERS AND WHO HAVE BEEN RECLASSIFIED AS ENGLISH PROFICIENT WITHIN THE
11 PREVIOUS TWO YEARS.

12 15-756.12. Auditor general; duties

13 THE AUDITOR GENERAL SHALL:

14 1. MODIFY THE ANNUAL FINANCIAL REPORT PRESCRIBED IN SECTION 15-904 IN
15 ORDER TO CARRY OUT THIS ARTICLE.

16 2. BIENNIALLY AUDIT THE OVERALL EFFECTIVENESS OF THE ENGLISH LANGUAGE
17 LEARNER PROGRAM BASED ON PERFORMANCE BASED OUTCOME MEASUREMENTS AND INCREASED
18 ENGLISH PROFICIENCY AND REVIEW THE MOBILITY OF ENGLISH PROFICIENT STUDENTS
19 AND ENGLISH LANGUAGE LEARNERS.

20 3. CONDUCT FINANCIAL AUDITS ON SCHOOL DISTRICTS MONITORED PURSUANT TO
21 SECTION 15-756.08. THE FINANCIAL AUDITS SHALL INCLUDE A REVIEW OF THE
22 STRUCTURED ENGLISH IMMERSION BUDGET REQUESTS SUBMITTED PURSUANT TO SECTIONS
23 15-756.01 AND 15-756.03 AND OF THE STATEWIDE COMPENSATORY INSTRUCTION BUDGET
24 REQUESTS SUBMITTED PURSUANT TO SECTION 15-756.11. THE AUDITOR GENERAL MAY
25 CONDUCT FINANCIAL AUDITS ON RANDOMLY SELECTED SCHOOL DISTRICTS THAT ARE NOT
26 CURRENTLY MONITORED PURSUANT TO SECTION 15-756.08.

27 15-756.13. School district and charter schools; responsibility
28 to comply with state and federal law

29 NOTHING IN SECTIONS 15-756 AND 15-756.01 THROUGH 15-756.12 RELIEVES A
30 SCHOOL DISTRICT OR CHARTER SCHOOL OF ITS RESPONSIBILITY TO COMPLY WITH ALL
31 STATE AND FEDERAL LAWS.

32 Sec. 5. Section 15-910, Arizona Revised Statutes, is amended to read:

33 15-910. School district budgets; excess utility costs;
34 desegregation costs; tuition costs for bond issues;
35 costs for registering warrants; report

36 A. The governing board may budget for the district's excess utility
37 costs which are specifically exempt from the district's revenue control
38 limit. If approved by the qualified electors voting at a statewide general
39 election, the exemption from the revenue control limit under this subsection
40 expires at the end of the 2008-2009 budget year. The uniform system of
41 financial records shall specify expenditure items allowable as excess utility
42 costs, which are limited to direct operational costs of heating, cooling,
43 water and electricity, telephone communications and sanitation fees. The
44 department of education and the auditor general shall include in the
45 maintenance and operation section of the budget format, as provided in

1 section 15-903, a separate line for utility expenditures and a special excess
2 utility cost category. The special excess utility cost category shall
3 contain budgeted expenditures for excess utility costs, determined as
4 follows:

5 1. Determine the lesser of the total budgeted or total actual utility
6 expenditures for fiscal year 1984-1985.

7 2. Multiply the amount in paragraph 1 of this subsection by the total
8 percentage increase or decrease in the revenue control limit and the capital
9 outlay revenue limit for the budget year over the revenue control limit and
10 the capital outlay revenue limit for fiscal year 1984-1985 excluding monies
11 available from a career ladder program or a teacher compensation program
12 provided for in section 15-952.

13 3. The sum of the amounts in paragraphs 1 and 2 of this subsection is
14 the amount budgeted in the utility expenditure line.

15 4. Additional expenditures for utilities are budgeted in the excess
16 utility cost category.

17 B. The governing board shall apply the same percentage increase or
18 decrease allowed in the revenue control limit and the capital outlay revenue
19 limit as provided in section 15-905, subsection E or section 15-948 to the
20 utility expenditure line of the budget.

21 C. The governing board may expend from the excess utility cost
22 category only after it has expended for utility purposes the full amount
23 budgeted in the utility expenditure line of the budget.

24 D. The governing board, after notice is given and a public meeting is
25 held as provided in section 15-905, subsection D, may revise at any time
26 before May 15 the amount budgeted in the excess utility cost category for the
27 current year. Not later than May 18, the budget as revised shall be
28 submitted electronically to the superintendent of public instruction.

29 E. If the revised excess utility cost category results in an
30 expenditure of monies in excess of school district revenues for the current
31 year, the county school superintendent shall include within the revenue
32 estimate for the budget year monies necessary to meet the liabilities
33 incurred by the school district in the current year in excess of revenues
34 received for the current year.

35 F. If a school district receives a refund of utility expenditures or a
36 rebate on energy saving devices or services, the refund or rebate shall be
37 applied against utility expenditures for the current year as a reduction of
38 the expenditures, except that the reduction of expenditures shall not exceed
39 the amount of actual utility expenditures.

40 G. The governing board may budget for expenses of complying with or
41 continuing to implement activities which were required or permitted by a
42 court order of desegregation or administrative agreement with the United
43 States department of education office for civil rights directed toward
44 remediating alleged or proven racial discrimination which are specifically
45 exempt in whole or in part from the revenue control limit and the capital

1 outlay revenue limit. This exemption applies only to expenses incurred for
2 activities which are begun before the termination of the court order or
3 administrative agreement. IF A DISTRICT IS LEVYING A PRIMARY PROPERTY TAX ON
4 FEBRUARY 23, 2006 AND USING THOSE MONIES TO ADMINISTER AN ENGLISH LANGUAGE
5 LEARNER PROGRAM TO REMEDY ALLEGED OR PROVEN DISCRIMINATION UNDER TITLE VI OF
6 THE CIVIL RIGHTS ACT OF 1964 (42 UNITED STATES CODE SECTION 2000d), THE
7 DISTRICT MAY SPEND THOSE MONIES TO REMEDY A VIOLATION OF THE EQUAL EDUCATION
8 ACT OF 1974 (20 UNITED STATES CODE SECTION 1703(f)). NOTHING IN THIS
9 SUBSECTION ALLOWS A SCHOOL DISTRICT TO LEVY A PRIMARY PROPERTY TAX FOR
10 VIOLATIONS OF THE EQUAL EDUCATION ACT OF 1974 (20 UNITED STATES CODE SECTION
11 1703(f)) IN THE ABSENCE OF AN ALLEGED OR PROVEN DISCRIMINATION UNDER TITLE VI
12 OF THE CIVIL RIGHTS ACT OF 1964 (42 UNITED STATES CODE SECTION 2000d).

13 H. If a governing board chooses to budget monies outside of the
14 revenue control limit as provided in subsection G of this section, the
15 governing board may do one of the following:

16 1. Use monies from the maintenance and operation fund equal to any
17 excess desegregation or compliance expenses beyond the revenue control limit
18 before June 30 of the current year.

19 2. Notify the county school superintendent to include the cost of the
20 excess expenses in the county school superintendent's estimate of the
21 additional amount needed for the school district from the primary property
22 tax as provided in section 15-991.

23 3. Employ the provisions of both paragraphs 1 and 2 of this subsection
24 provided that the total amount transferred and included in the amount needed
25 from property taxes does not exceed the total amount budgeted as prescribed
26 in subsection J, paragraph 1 of this section.

27 I. Through fiscal year 2003-2004, the maximum amount which a governing
28 board may budget outside of the capital outlay revenue limit as provided in
29 subsection G of this section is twelve per cent of the maintenance and
30 operation desegregation budget as provided in subsection J of this section or
31 the amount that it budgeted pursuant to this subsection for fiscal year
32 2001-2002, whichever is less. If a governing board chooses to budget monies
33 outside of the capital outlay revenue limit as provided in subsection G of
34 this section, the governing board may notify the county school superintendent
35 to include the cost of the excess expenses in the county school
36 superintendent's estimate of the additional amount needed for the school
37 district from the primary property tax as provided in section 15-991.

38 J. A governing board using subsections G, H and I of this section:

39 1. Shall prepare and employ a separate maintenance and operation
40 desegregation budget and capital outlay desegregation budget on a form
41 prescribed by the superintendent of public instruction in conjunction with
42 the auditor general. The budget format shall be designed to allow a school
43 district to plan and provide in detail for expenditures to be incurred solely
44 as a result of compliance with or continuing to implement activities which
45 were required or permitted by a court order of desegregation or

1 administrative agreement with the United States department of education
2 office for civil rights directed toward remediating alleged or proven racial
3 discrimination.

4 2. Shall prepare as a part of the annual financial report a detailed
5 report of expenditures incurred solely as a result of compliance with or
6 continuing to implement activities which were required or permitted by a
7 court order of desegregation or administrative agreement with the United
8 States department of education office for civil rights directed toward
9 remediating alleged or proven racial discrimination, in a format prescribed
10 by the auditor general in conjunction with the department of education as
11 provided by section 15-904.

12 3. On or before July 15, 2006 and each year thereafter, shall collect
13 and report data regarding activities related to a court order of
14 desegregation or an administrative agreement with the United States
15 department of education office for civil rights directed toward remediating
16 alleged or proven racial discrimination in a format prescribed by the
17 department of education. The department shall compile and submit copies of
18 the reports to the governor, the president of the senate, the speaker of the
19 house of representatives and the chairpersons of the education committees of
20 the senate and the house of representatives. A school district that becomes
21 subject to a new court order of desegregation or a party to an administrative
22 agreement with the United States department of education office for civil
23 rights directed toward remediating alleged or proven racial discrimination
24 shall submit these reports on or before July 15 or within ninety days of the
25 date of the court order or administrative agreement, whichever occurs
26 first. The department of education, in consultation with the auditor
27 general, shall develop reporting requirements to ensure that school districts
28 submit at least the following information and documentation to the department
29 of education beginning in fiscal year 2006-2007:

30 (a) A district-wide budget summary and a budget summary on a school by
31 school basis for each school in the school district that lists the sources
32 and uses of monies that are designated for desegregation purposes.

33 (b) A detailed list of desegregation activities on a district-wide
34 basis and on a school by school basis for each school in the school district.

35 (c) The date that the school district was determined to be out of
36 compliance with title VI of the civil rights act of 1964 (42 United States
37 Code section 2000d) and the basis for that determination.

38 (d) The initial date that the school district began to levy property
39 taxes to provide funding for desegregation expenses and any dates that these
40 property tax levies were increased.

41 (e) If applicable, a current and accurate description of all magnet
42 type programs that are in operation pursuant to the court order during the
43 current school year on a district-wide basis and on a school by school
44 basis. This information shall contain the eligibility and attendance
45 criteria of each magnet type program, the capacity of each magnet type

1 program, the ethnic composition goals of each magnet type program, the actual
2 attending ethnic composition of each magnet type program and the specific
3 activities offered in each magnet type program.

4 (f) The number of pupils who participate in desegregation activities
5 on a district-wide basis and on a school by school basis for each school in
6 the school district.

7 (g) A detailed summary of the academic achievement of pupils on a
8 district-wide basis and on a school by school basis for each school in the
9 school district.

10 (h) The number of employees, including teachers and administrative
11 personnel, on a district-wide basis and on a school by school basis for each
12 school in the school district that are necessary to conduct desegregation
13 activities.

14 (i) The number of employees, including teachers and administrative
15 personnel, on a district-wide basis and on a school by school basis for each
16 school in the school district and the number of employees at school district
17 administrative offices that are funded in whole or in part with desegregation
18 monies received pursuant to this section.

19 (j) The amount of monies that are not derived through a primary or
20 secondary property tax levy and that are budgeted and spent on desegregation
21 activities on a district-wide basis and on a school by school basis for each
22 school in the school district.

23 (k) Verification that the desegregation funding will supplement and
24 not supplant funding for other academic and extracurricular activities.

25 (l) Verification that the desegregation funding is educationally
26 justifiable.

27 (m) Any documentation that supports the proposition that the requested
28 desegregation funding is intended to result in equal education opportunities
29 for all pupils in the school district.

30 (n) Verification that the desegregation funding will be used to
31 promote systemic and organizational changes within the school district.

32 (o) Verification that the desegregation funding will be used in
33 accordance with the academic standards adopted by the state board of
34 education pursuant to sections 15-701 and 15-701.01.

35 (p) Verification that the desegregation funding will be used to
36 accomplish specific actions to remediate proven discrimination pursuant to
37 title VI of the civil rights act of 1964 (42 United States Code section
38 2000d) as specified in the court order or administrative agreement.

39 (q) An evaluation by the school district of the effectiveness of the
40 school district's desegregation measures.

41 (r) An estimate of when the school district will be in compliance with
42 the court order or administrative agreement and a detailed account of the
43 steps that the school district will take to achieve compliance.

44 (s) Any other information that the department of education deems
45 necessary to carry out the purposes of this paragraph.

1 K. If a school district governing board budgets for expenses of
2 complying with a court order of desegregation or an administrative agreement
3 with the United States department of education office for civil rights
4 directed toward remediating alleged or proven racial discrimination, the
5 governing board shall ensure that the desegregation expenses will:

6 1. Be educationally justifiable.

7 2. Result in equal education opportunities for all pupils in the
8 school district.

9 3. Be used to promote systemic and organizational changes within the
10 school district.

11 4. Be used in accordance with the academic standards adopted by the
12 state board of education pursuant to sections 15-701 and 15-701.01.

13 5. Be used to accomplish specific actions to remediate proven
14 discrimination pursuant to title VI of the civil rights act of 1964 (42
15 United States Code section 2000d) as specified in the court order or
16 administrative agreement.

17 6. Be used in accordance with a plan submitted to the department of
18 education that includes an estimate of the amount of monies that will be
19 required to bring the school district into compliance with the court order or
20 administrative agreement and an estimate of when the school district will be
21 in compliance with the court order or administrative agreement.

22 L. The governing board may budget for the bond issues portion of the
23 cost of tuition charged the district as provided in section 15-824 for the
24 pupils attending school in another school district, except that if the
25 district is a common school district not within a high school district, the
26 district may only include that part of tuition which is excluded from the
27 revenue control limit and district support level as provided in section
28 15-951. The bond issues portion of the cost of tuition charged is
29 specifically exempt from the revenue control limit of the school district of
30 residence, and the primary property tax rate set to fund this amount shall
31 not be included in the computation of additional state aid for education as
32 provided in section 15-972, except as provided in section 15-972, subsection
33 E. The department of education and the auditor general shall include in the
34 maintenance and operation section of the budget format, as provided in
35 section 15-903, a separate category for the bond issues portion of the cost
36 of tuition.

37 M. The governing board may budget for interest expenses it incurred
38 for registering warrants drawn against a fund of the school district or net
39 interest expense on tax anticipation notes as prescribed in section
40 35-465.05, subsection C for the fiscal year preceding the current year if the
41 county treasurer pooled all school district monies for investment as provided
42 in section 15-996 for the fiscal year preceding the current year and, in
43 those school districts that receive state aid, the school districts applied
44 for an apportionment of state aid before the date set for the apportionment
45 as provided in section 15-973 for the fiscal year preceding the current year.

The governing board may budget an amount for interest expenses for registering warrants or issuing tax anticipation notes equal to or less than the amount of the warrant interest expense or net interest expense on tax anticipation notes as prescribed in section 35-465.05, subsection C for the fiscal year preceding the current year as provided in this subsection which is specifically exempt from the revenue control limit. For the purposes of this subsection, "state aid" means state aid as determined in sections 15-971 and 15-972.

Sec. 6. Section 15-943, Arizona Revised Statutes, is amended to read: 15-943. Base support level

The base support level for each school district shall be computed as follows:

1. The following support level weights shall be used in paragraph 2, subdivision (a) for the following school districts:

(a) For school districts whose student count in kindergarten programs and grades one through eight is classified in column 1 of this subdivision, the support level weight for kindergarten programs and grades one through eight is the corresponding support level weight prescribed in column 2 or 3 of this subdivision, whichever is appropriate:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Student Count</u>	<u>Support Level Weight For Small Isolated School Districts</u>	<u>Support Level Weight For Small School Districts</u>
1-99	1.559	1.399
100-499	$1.358 + [0.0005 \times (500 - \text{student count})]$	$1.278 + [0.0003 \times (500 - \text{student count})]$
500-599	$1.158 + [0.002 \times (600 - \text{student count})]$	$1.158 + [0.0012 \times (600 - \text{student count})]$

(b) For school districts whose student count in grades nine through twelve is classified in column 1 of this subdivision, the support level weight for grades nine through twelve is the corresponding support level weight prescribed in column 2 or 3 of this subdivision, whichever is appropriate:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Student Count</u>	<u>Support Level Weight For Small Isolated School Districts</u>	<u>Support Level Weight For Small School Districts</u>
1-99	1.669	1.559
100-499	$1.468 + [0.0005 \times (500 - \text{student count})]$	$1.398 + [0.0004 \times (500 - \text{student count})]$
500-599	$1.268 + [0.002 \times (600 - \text{student count})]$	$1.268 + [0.0013 \times (600 - \text{student count})]$

2. Subject to paragraph 1, determine the weighted student count as follows, EXCEPT THAT FUNDING FOR THE SAME ELL PUPIL SHALL NOT BE PROVIDED FOR MORE THAN TWO FISCAL YEARS:

1	(a)									
2						Support				Weighted
3						Level		Student		Student
4	<u>Grade</u>	<u>Base</u>		<u>Group A</u>		<u>Weight</u>		<u>Count</u>		<u>Count</u>
5	PSD	1.000	+	0.450	=	1.450	x		=	
6	K-8	1.000	+	0.158	=	1.158	x		=	
7	9-12	1.163	+	0.105	=	1.268	x		=	
8								Subtotal	A	
9	(b)									
10						Support				Weighted
11	Funding					Level		Student		Student
12	<u>Category</u>					<u>Weight</u>		<u>Count</u>		<u>Count</u>
13	HI					4.771	x		=	
14	K-3					0.060	x		=	
15	ELL			0.115		0.140	x		=	
16	MD-R, A-R and									
17	SMR-R					6.024	x		=	
18	MD-SC, A-SC and									
19	SMR-SC					5.833	x		=	
20	MD-SSI					6.531	x		=	
21	OI-R					3.158	x		=	
22	OI-SC					5.576	x		=	
23	P-SD					3.595	x		=	
24	ED, MIMR, SLD,									
25	SLI and OHI					0.003	x		=	
26	ED-P					4.647	x		=	
27	MOMR					4.421	x		=	
28	VI					4.806	x		=	
29								Subtotal	B	
30	(c) Total of subtotals A and B:									
31	3. Multiply the total determined in paragraph 2 by the base level.									
32	4. Multiply the teacher experience index of the district or 1.00,									
33	whichever is greater, by the product obtained in paragraph 3.									
34	Sec. 7. Section 41-1279.03, Arizona Revised Statutes, is amended to									
35	read:									
36	41-1279.03. <u>Powers and duties</u>									
37	A. The auditor general shall:									
38	1. Prepare an audit plan for approval by the committee and report to									
39	the committee the results of each audit and investigation and other reviews									
40	conducted by the auditor general.									
41	2. Conduct or cause to be conducted at least biennial financial and									
42	compliance audits of financial transactions and accounts kept by or for all									
43	state agencies subject to the single audit act of 1984 (P.L. 98-502). The									
44	audits shall be conducted in accordance with generally accepted governmental									
45	auditing standards and accordingly shall include tests of the accounting									

1 records and other auditing procedures as may be considered necessary in the
2 circumstances. The audits shall include the issuance of suitable reports as
3 required by the single audit act of 1984 (P.L. 98-502) so the legislature,
4 federal government and others will be informed as to the adequacy of
5 financial statements of the state in compliance with generally accepted
6 governmental accounting principles and to determine whether the state has
7 complied with laws and regulations that may have a material effect on the
8 financial statements and on major federal assistance programs.

9 3. Perform procedural reviews for all state agencies at times
10 determined by the auditor general. These reviews may include evaluation of
11 administrative and accounting internal controls and reports on such reviews.

12 4. Perform special research requests, special audits and related
13 assignments as designated by the committee and conduct performance audits,
14 special audits, special research requests and investigations of any state
15 agency, whether created by the constitution or otherwise, as may be requested
16 by the committee.

17 5. Annually on or before the fourth Monday of December, prepare a
18 written report to the governor and to the committee which contains a summary
19 of activities for the previous fiscal year.

20 6. In the tenth year and in each fifth year thereafter in which a
21 transportation excise tax is in effect in a county as provided in section
22 42-6104, 42-6106 or 42-6107, conduct a performance audit that:

23 (a) Reviews past expenditures and future planned expenditures of the
24 transportation excise revenues and determines the impact of the expenditures
25 in solving transportation problems within the county and, for a
26 transportation excise tax in effect in a county as provided in section
27 42-6107, determines whether the expenditures of the transportation excise
28 revenues comply with section 28-6392, subsection B.

29 (b) Reviews projects completed to date and projects to be completed
30 during the remaining years in which a transportation excise tax is in effect.
31 Within six months after each review period the auditor general shall present
32 a report to the speaker of the house of representatives and the president of
33 the senate detailing findings and making recommendations. If the parameters
34 of the performance audit are set by the citizens transportation oversight
35 committee, the auditor general shall also present the report to the citizens
36 transportation oversight committee.

37 (c) Reviews, determines, reports and makes recommendations to the
38 speaker of the house of representatives and the president of the senate
39 whether the distribution of highway user revenues complies with title 28,
40 chapter 18, article 2. If the parameters of the performance audit are set by
41 the citizens transportation oversight committee, the auditor general shall
42 also present the report to the citizens transportation oversight committee.

43 7. If requested by the committee, conduct performance audits of
44 counties and incorporated cities and towns receiving highway user revenue

1 fund monies pursuant to title 28, chapter 18, article 2 to determine if the
2 monies are being spent as provided in section 28-6533, subsection B.

3 8. Perform special audits designated pursuant to law if the auditor
4 general determines that there are adequate monies appropriated for the
5 auditor general to complete the audit. If the auditor general determines the
6 appropriated monies are inadequate, the auditor general shall notify the
7 committee.

8 9. Beginning on July 1, 2001, establish a school-wide audit team in
9 the office of the auditor general to conduct performance audits and monitor
10 school districts to determine the percentage of every dollar spent in the
11 classroom by a school district. THE PERFORMANCE AUDITS SHALL DETERMINE
12 WHETHER SCHOOL DISTRICTS THAT RECEIVE MONIES FROM THE ARIZONA STRUCTURED
13 ENGLISH IMMERSION FUND ESTABLISHED BY SECTION 15-756.04 AND THE STATEWIDE
14 COMPENSATORY INSTRUCTION FUND ESTABLISHED BY SECTION 15-756.11 ARE IN
15 COMPLIANCE WITH TITLE 15, CHAPTER 7, ARTICLE 3.1. The auditor general shall
16 determine, through random selection, the school districts to be audited each
17 year, subject to review by the joint legislative audit committee. A school
18 district that is subject to an audit pursuant to this paragraph shall notify
19 the auditor general in writing as to whether the school district agrees or
20 disagrees with the findings and recommendations of the audit and whether the
21 school district will implement the findings and recommendations, implement
22 modifications to the findings and recommendations or refuse to implement the
23 findings and recommendations. The school district shall submit to the
24 auditor general a written status report on the implementation of the audit
25 findings and recommendations every six months for two years after an audit
26 conducted pursuant to this paragraph. The auditor general shall review the
27 school district's progress toward implementing the findings and
28 recommendations of the audit every six months after receipt of the district's
29 status report for two years. The auditor general may review a school
30 district's progress beyond this two-year period for recommendations that have
31 not yet been implemented by the school district. The auditor general shall
32 provide a status report of these reviews to the joint legislative audit
33 committee. The school district shall participate in any hearing scheduled
34 during this review period by the joint legislative audit committee or by any
35 other legislative committee designated by the joint legislative audit
36 committee.

37 B. The auditor general may:

38 1. Subject to approval by the committee, adopt rules necessary to
39 administer the duties of the office.

40 2. Hire consultants to conduct the studies required by subsection A,
41 paragraphs 6 and 7 of this section.

42 C. If approved by the committee the auditor general may charge a
43 reasonable fee for the cost of performing audits or providing accounting
44 services for auditing federal funds, special audits or special services

1 requested by political subdivisions of the state. Monies collected pursuant
2 to this subsection shall be deposited in the audit services revolving fund.

3 D. The department of transportation, the board of supervisors of a
4 county that has approved a county transportation excise tax as provided in
5 section 42-6104, 42-6106 or 42-6107 and the governing bodies of counties,
6 cities and towns receiving highway user revenue fund monies shall cooperate
7 with and provide necessary information to the auditor general or the auditor
8 general's consultant.

9 E. The department of transportation shall reimburse the auditor
10 general as follows, and the auditor general shall deposit the reimbursed
11 monies in the audit services revolving fund:

12 1. For the cost of conducting the studies or hiring a consultant to
13 conduct the studies required by subsection A, paragraph 6, subdivisions (a)
14 and (b) of this section, from monies collected pursuant to a county
15 transportation excise tax levied pursuant to section 42-6104, 42-6106 or
16 42-6107.

17 2. For the cost of conducting the studies or hiring a consultant
18 pursuant to subsection A, paragraph 6, subdivision (c) and paragraph 7 of
19 this section, from the Arizona highway user revenue fund.

20 Sec. 8. Budget request deadlines

21 A. Notwithstanding section 15-756.03, Arizona Revised Statutes, as
22 added by this act, for fiscal year 2007-2008, school districts and charter
23 schools shall submit structured English immersion budget requests to the
24 department of education on or before December 1, 2006.

25 B. Notwithstanding section 15-756.11, Arizona Revised Statutes, as
26 added by this act, for fiscal year 2006-2007, school districts and charter
27 schools shall submit compensatory instruction budget requests to the
28 department of education on or before July 15, 2006.

29 Sec. 9. Appropriation; compensatory instruction; exemption

30 A. The sum of \$10,000,000 is appropriated from the state general fund
31 in fiscal year 2006-2007 to the department of education for deposit in the
32 statewide compensatory instruction fund established by section 15-756.11,
33 Arizona Revised Statutes, as added by this act, for distribution to school
34 districts and charter schools.

35 B. The appropriation made in subsection A of this section is exempt
36 from the provisions of section 35-190, Arizona Revised Statutes, relating to
37 lapsing of appropriations.

38 Sec. 10. Appropriation; English language acquisition services;
39 exemption

40 A. The sum of \$2,555,000 is appropriated from the state general fund
41 in fiscal year 2005-2006 to the department of education to provide English
42 language acquisition services for the purposes of section 15-756.07, Arizona
43 Revised Statutes, as added by this act, for the costs of providing English
44 language proficiency assessments, scoring and ancillary materials as
45 prescribed by the department of education to school districts and charter

1 schools for the purposes of title 15, chapter 7, article 3.1, Arizona Revised
2 Statutes, as amended by this act, and for the purposes contained within
3 subsection C of this section.

4 B. The department of education may use the monies appropriated
5 pursuant to subsection A of this section to hire staff or contract with a
6 third party to carry out the purposes of section 15-756.07, Arizona Revised
7 Statutes, as added by this act.

8 C. Notwithstanding section 41-192, Arizona Revised Statutes, the
9 superintendent of public instruction may use a portion of the monies
10 appropriated pursuant to subsection A of this section to contract with one or
11 more private attorneys to provide legal services in connection with the case
12 of Flores v. State of Arizona, No. CIV 92-596-TUC-RCC.

13 D. The appropriation made in subsection A of this section is exempt
14 from the provisions of section 35-190, Arizona Revised Statutes, relating to
15 lapsing of appropriations.

16 Sec. 11. Appropriation; English language acquisition services;
17 exemption

18 A. The sum of \$4,610,000 is appropriated from the state general fund
19 in fiscal year 2006-2007 to the department of education to provide English
20 language acquisition services for the purposes of section 15-756.07, Arizona
21 Revised Statutes, as added by this act, for the costs of providing English
22 language proficiency assessments, scoring and ancillary materials as
23 prescribed by the department of education to school districts and charter
24 schools for the purposes of title 15, chapter 7, article 3.1, Arizona Revised
25 Statutes, as amended by this act, and for the purposes contained within
26 subsection C of this section.

27 B. The department of education may use the monies appropriated
28 pursuant to subsection A of this section to hire staff or contract with a
29 third party to carry out the purposes of section 15-756.07, Arizona Revised
30 Statutes, as added by this act, and for the purposes contained within
31 subsection C of this section.

32 C. Notwithstanding section 41-192, Arizona Revised Statutes, the
33 superintendent of public instruction may use a portion of the monies
34 appropriated pursuant to subsection A of this section to contract with one or
35 more private attorneys to provide legal services in connection with the case
36 of Flores v. State of Arizona, No. CIV 92-596-TUC-RCC.

37 D. The appropriation made in subsection A of this section is exempt
38 from the provisions of section 35-190, Arizona Revised Statutes, relating to
39 lapsing of appropriations.

40 Sec. 12. Appropriation; auditor general; evaluation and
41 compliance; exemption

42 A. The sum of \$2,500,000 is appropriated from the state general fund
43 in fiscal year 2006-2007 to the office of the auditor general for the
44 purposes prescribed in section 15-756.12, Arizona Revised Statutes, as added
45 by this act.

1 B. The appropriation made in subsection A of this section is exempt
2 from the provisions of section 35-190, Arizona Revised Statutes, relating to
3 lapsing of appropriations.

4 Sec. 13. Appropriation; ELL funding category

5 The sum of \$14,300,000 is appropriated from the state general fund to
6 the department of education in fiscal year 2006-2007 for distribution to
7 schools and charter schools for the increased support level weight for pupils
8 that qualify for the ELL funding category as prescribed in section 15-943,
9 Arizona Revised Statutes, as amended by this act.

10 Sec. 14. Intent

11 A. The legislature declares that even though the legislature has never
12 been named as a party in the litigation in Flores v. State of Arizona,
13 No. CIV 92-596-TUC-RCC, the legislature has substantially increased funding
14 for English language learners since 2000 by increasing the ELL weight by 233
15 per cent.

16 B. The legislature declares that because of the unique geographic and
17 demographic characteristics of this state, it is impossible to compare
18 language acquisition education models and solutions adopted by other states
19 to the needs of this state and inappropriate to automatically adopt such
20 models and solutions.

21 C. The legislature declares that it has grave concerns regarding the
22 validity and reliability of the cost study performed by the National
23 Conference of State Legislatures pursuant to Laws 2001, second special
24 session, chapter 9, section 8. The cost study used what it referred to as
25 the "professional judgment approach" to determine incremental costs for
26 English language learners, yet acknowledged that this kind of approach
27 "depends on the judgments of educational professionals in identifying
28 strategies rather than research that actually shows a linkage between the
29 strategy and student performance".

30 D. Beginning in fiscal year 2006-2007, the legislature intends to
31 enact a comprehensive, efficient and cost-effective program of developing
32 research based models of structured English immersion that comply with all
33 state and federal laws for use by school districts and charter schools and
34 funding the incremental costs of the research based models that are in
35 addition to the normal costs of conducting programs for English proficient
36 students. Furthermore, classification of a pupil as an English language
37 learner is fundamentally different than the classification of a pupil as
38 qualified for any other group B weight category.

39 E. The legislature declares that the costs of implementing the new
40 English language learner programs cannot be determined until the Arizona
41 English language learners task force develops the research based models, as
42 required by this act, due to the unique characteristics and demographics of
43 more than two hundred school districts and more than five hundred charter
44 schools in this state.

1 F. The legislature is appropriating additional monies to fund English
2 language learner programs in an effort to provide additional resources to
3 school districts and charter schools for enhanced effectiveness of English
4 language learner programs that comply with all state and federal laws.

5 G. The legislature believes that although the amount of monies spent
6 on English language learners is important, equally important is the way the
7 monies will be spent. For this reason, the legislature appropriated monies
8 for model development, district support and monitoring, and intends that
9 structured English immersion programs be subject to enhanced monitoring and
10 compliance requirements, including effective audit and reporting
11 requirements. The court referred to the three-fold inquiry cited in
12 Castaneda v. Pickard, 648 F.2d 989, 1009-1010 (5th Cir. Unit A June 1981).
13 This inquiry was that the educational theory is recognized as sound, that it
14 was reasonably calculated to implement effectively the educational theory,
15 but finally that the program produces results "indicating that the language
16 barriers confronting students are actually being overcome".

17 Sec. 15. Conditional enactment; English language learner
18 assistance; appropriations; notice

19 A. Section 15-943, Arizona Revised Statutes, as amended by this act,
20 and section 13 of this act, relating to appropriations to the department of
21 education, do not become effective unless the United States District court
22 for the district of Arizona in the case of Flores v. State of Arizona, No.
23 CIV 92-596-TUC-RCC, issues an order that, by this act, the state has taken
24 appropriate action to establish a program that addresses the orders in the
25 case and, at least on an interim basis, the court will permit this act to be
26 fully implemented to determine whether the resulting ELL plans and available
27 funding to implement the plans bear a rational relationship to the cost of
28 implementing appropriate language acquisition programs.

29 B. The superintendent of public instruction shall notify the executive
30 director of the Arizona legislative council in writing if the condition
31 prescribed in subsection A of this section is met. This notice shall include
32 the date on which the condition is met.

THIS BILL WAS RECEIVED BY THE GOVERNOR THIS 2 DAY OF MARCH 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 3, 2006.